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E-filed - April 21, 2010

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:

Yakubik, William Joseph, and

Yakubik, Darcie Ann

Debtor.

Case No. 09-24688-LBR

Chapter 11

Date: May 12, 2010

Time: 1:30 p.m.

**OPPOSITION TO MOTION OF WELLS FARGO BANK N.A.
FOR RELIEF FROM THE AUTOMATIC STAY**

William Joseph and Darcie Yakubik, the above-captioned debtors (the "Debtors"), by and through their counsel, the law firm of Timothy S. Cory & Associates, hereby file this Opposition (this "Opposition") to the Motion of Wells Fargo Bank N.A. for Relief From the Automatic Stay (the "Motion"). In support of this Opposition, the Debtor states as follows:

I. BACKGROUND

1. On August 12, 2009 (the "Petition Date"), the Debtor filed with this Court a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

2. On April 7, 2010, Wells Fargo Bank, N.A. ("Wells Fargo") filed its Motion for relief from the automatic stay on the property commonly known as 4443 E. Harmon, Las Vegas, Nevada (the "Property").

II. LEGAL ARGUMENT

3. the Motion seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(2) based on a stated lack of equity in the property.

4. In Exhibit 2 to the Proposed Disclosure Statement, the Debtors state their intentions with respect to the Property. The rental or orderly sale of the Property is necessary reorganization of the Debtors.

5. The Property is not currently diminishing in value and, therefore, the Creditors equity interest in the Property is protected.

6. Pursuant to Section 362(d)(2) of the Bankruptcy Code, the stay may be lifted for cause including the lack of adequate protection. Here, Wells Fargo is adequately protected and the Property is necessary for effective reorganization.

III. CONCLUSION

WHEREFORE, the Debtor respectfully requests that this Court enter an Order denying Central's Motion for relief from the automatic stay.

DATED this 21st day of April, 2010.

TIMOTHY S. CORY & ASSOCIATES

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